Supreme Court, U.S.
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(2)

No. 00-962

In The

Supreme Court of the United States

JOHN ASHCROFT, Attorney General, et al.,

Petitioners,

v.

SOONDAR MAHADEO,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The First Circuit

RESPONDENT'S RESPONSE TO PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the district court could exercise habeas corpus jurisdiction under 28 U.S.C. § 2241, to entertain respondent's challenge to his final removal order.

RESPONDENT'S RESPONSE TO PETITION FOR A WRIT OF CERTIORARI

Respondent, Soondar Mahadeo, responds to the petition for a writ of certiorari filed by the Solicitor General to review the judgment of the United States Court of Appeals for the First Circuit in this matter.

STATEMENT

1. In his original response to the Solicitor General's petition for a writ of certiorari, Respondent waived his right to file a response. This was done in light of the Court's grant of the Solicitor General's petition for a writ of certiorari in *INS v. St. Cyr*, No. 00-767, which presents issues identical to this matter. Thus, the Court's disposition of *St. Cyr* will also fully dispose of this matter. Thereafter the Court directed the Clerk to request a response from respondent on February 5, 2001.

2. Respondent generally agrees with the Solicitor General's representations of the factual and the legal background expressed in his petition for a writ of certiorari. Respondent also agrees that the Solicitor General's petition for a writ of certiorari in this matter should be held in abeyance pending the Court's disposition of *INS v. St. Cyr*, No. 00-767, because both cases present the identical threshold jurisdictional question.

CONCLUSION

The Solicitor General's petition for a writ of certiorari should be held in abeyance pending the decision by the Court on the merits in *INS v. St. Cyr*, No. 00-767.

Respectfully submitted,

ALLAN M. TOW
Counsel for Respondent

March 2001